

REMARKS

Applicants have carefully reviewed the Office Action of December 7, 2006, in which claims 1-32 are pending, claims 3, 7, 12, 13, 18, 22, 23 and 26-32 were withdrawn from consideration, and claims 1, 2, 4-6, 8-11, 14-17, 19-21, and 24-25 were rejected. Applicants respectfully request favorable consideration.

Amendments

A paragraph on page 23 of the specification was amended to correct an informality.

Claims 1 was amended to incorporate the elements of claim 4 (which depended therefrom), and claim 4 was cancelled.

No new matter has been introduced.

Specification

The disclosure was objected to as having informalities. Applicants have corrected the informalities as discussed above, and therefore respectfully request withdrawal of the objection.

Claim Rejections—35 U.S.C. § 102

Claims 1, 2 5 and 6 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ravenscroft et al. (U.S. Patent No. 6,007,558). Applicants have amended claim 1 to incorporate the elements of claim 4, which renders this rejection moot. Applicants discuss claim 1 below in response to the § 103 rejection against claim 4.

Claim Rejections—35 U.S.C. § 103

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ravenscroft et al. as applied to claim 1 and further in view of Whitcher et al. (U.S. Patent No. 6,273,901). Applicants respectfully traverse the rejection because the prior art references do not teach or suggest each and every element of the claimed invention.

For example, amended independent claim 1 recites “a landing pad coupled to the second end of each filter tube,” which the cited references do not disclose. The Examiner states that the “Ravenscroft et al. reference does not disclose the filter further comprising a landing pad coupled to the free end of each filter tube” and cites the Figure 8 embodiment of Whitcher et al. as

teaching such a landing pad in element 42A. However, element 42A, a pad used to apply a surface treatment to a vessel wall, does not appear to be coupled to the filter. Element 42A is one of three disclosed variations of substrate 42. Whitcher et al. teach that element 42A is secured to the strut 16C by incorporating a hole 44 sized to accommodate the tip 24C of the strut. Whitcher et al. teach that the second embodiment is a tubular structure 42B likewise secured to the strut 16C. “The tubular structure 42B includes a lumen sized to accommodate the tip 24C of the strut 16C such that the tube may be *slid* onto the tip 24C of the strut 16C much like a sock.” 6:1-4 (Italics added). From this description of the second embodiment of substrate 42, it can be seen that Whitcher et al. use the word “secured” to include attachments that are not necessarily rigid or fixed. When read in light of the description of the second embodiment, the description of the first embodiment does not require that element 42C is fixed to the strut without the possibility of relative movement—“secured” includes slidable attachments and the only attachment disclosed for the first embodiment is providing a hole in the pad. Consequently Whitcher et al. do not disclose a pad coupled to the strut and thus Ravenscroft et al. even if modified by Whitcher et al. as suggested by the Examiner would not disclose the claim element of “a landing pad coupled to the free end of each filter tube.”

Further, the motivation suggested by the Examiner does not apply. The Examiner asserts that element 42A “may be used at the free end of a filter to spread the force applied at the tips of the filter over a greater area, thereby reducing the pressure on the contact or grasping points.” However, Whitcher et al. teach that substrate 42 is used to apply a surface treatment and does not teach that it is used to dissipate the pressure of the grasping points. Indeed, if substrate 42 is not fixed to the struts to avoid relative movement, it does not appear that the substrate could be used for the purpose suggested by the Examiner. Applicants therefore respectfully submit that motivation to combine the references is lacking as well.

For at least the above reasons, applicants respectfully submit that a *prima facie* case of obviousness has not been made and that claim 1 is in condition for allowance.

Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ravenscroft et al. as applied to claim 1 above, and further in view of Sabbaghian et al. (U.S. Patent No. 5,147,379). Applicants respectfully traverse the rejection. As these claims depend

from claim 1 and contain additional elements, applicants submit that these claims are in condition for allowance as well.

Claims 10 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ravenscroft et al. in view of Whitcher et al. Applicants respectfully traverse the rejection.

Claim 10 recites “the filter tubes being coupled at their first end to an annular-shaped hub, and at their second end to a landing pad.” Therefore, for at least the reasons discussed above with respect to claim 1, applicants submit that claim 10 is in condition for allowance. As claim 11 depends from claim 10 and contains additional elements, applicants submit that this claim is in condition for allowance as well.

Claims 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ravenscroft et al. in view of Whitcher et al. as applied to claim 10 and further in view of Sabbaghian et al. Applicants respectfully traverse the rejection.

As these claims depend from claim 10 and contain additional elements, applicants respectfully submit that these claims are in condition for allowance as well.

Claims 16, 17, 20, 21 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ravenscroft et al. in view of Sabbaghian et al. Applicants respectfully traverse the rejection.

The Examiner states that Ravenscroft et al. does not disclose a retrieval apparatus with an inner member to grasp the apical head, a middle tubular member to engage the hub, and an outer sheath for encapsulating the filter, but suggests that Sabbaghian et al. supplies this deficiency, and in particular that filter retaining clamp 8 anticipates the middle tubular member, saying that in Sabbaghian et al., “the middle tubular member is the assembly of tubular arms that clamp around the filter when they are compressed inside the outer sheath.” Paragraph 15 of the Office Action. However, there is nothing to suggest that clamp arms 9 are tubular. “Tubular,” of course, is an adjective that means of or relating to a tube, constituting or consisting of tubes or a tube or shaped like a tube. A tube is a hollow, often cylindrical conduit. There is nothing in Sabbaghian et al. to suggest that arms 9 are tubular, merely that they are resilient. See 4:36-39. Further, there is nothing to suggest that clamp 8 is tubular either. There is nothing in the

specification discussing the number of arms 9 that may be used. Most of the views are sectional views in which the number of arms cannot be seen. However, in Figure 1, which is an overall view in which clamp 8 is only a very small part, it appears that only two arms are shown. Two opposing arms does not make a tubular member. Applicants therefore respectfully submit that the cited art does not teach or suggest each and every element of the claim 16 and that therefore no prima facie case of obviousness has been made with respect to this claim; applicants respectfully submit that claim 16 is in condition for allowance. As claims 17, 20, 21 and 25 depend from claim 16 and contain additional elements, applicants submit that these claims are in condition for allowance as well.

Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ravenscroft et al. in view of Sabbaghian et al. as applied to claim 16 and further in view of Whitcher et al. Applicants respectfully traverse the rejection. As claim 19 depends from claim 16 and contains additional elements, applicants respectfully submit that claim 19 is in condition for allowance as well.

Claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ravenscroft et al. in view of Sabbaghian et al. as applied to claim 16 and further in view of Herbert et al. (U.S. Patent No. 6,482,221). Applicants respectfully traverse the rejection. As claim 24 depends from claim 16 and contains additional elements, applicants respectfully submit that claim 24 is in condition for allowance as well.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that the claims are now in condition for allowance, issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

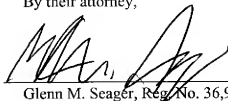
Respectfully submitted,

SCOTT PETERSEN

By their attorney,

Date:

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